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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,683	01/28/2004	Thomas C. Adams	SC 013 CIP 9	2087

7590 01/09/2007
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EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/766,683

Applicant(s)

ADAMS ET AL.

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 34-38, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajala (US 5,643,396) and Heindel (US 5,342,647).

As to claim 34, Rajala discloses a machine making various laminates and therefore capable of making a screen combination for a screen assembly for a vibratory separator, the machine comprising powered mechanical glue application means for applying glue to at least one layer of screening material (glue applicator 108, web 106), means for combining the at least one layer of screening material with a second layer of screening material to form a screen combination (nip 144, formed by rollers 110 and 102, additional webs 112 and 100), means for moving the screen combination apart

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from the powered moving mechanical glue application means (various drive mechanisms described, for example, in column 16, including but not limited to elements as machine drive shaft 140 and drive belt 142), and means for cutting part of the screen combination from the screen combination (cutter roll 174, see column 53 and figure 49).

The glue application means is capable of applying a heated moisture curing hot glue. Rajala is capable of making the screen combination for the shale shaker of the preamble. Rajala is also capable of applying this glue to screening material having the claimed sized holes.

It should be noted that the newly added material in 34 in the preamble and the body of the appears to define the intended use and the substrate, neither of which adds much patentable weight to the claimed manufacturing machine. The material or article worked upon does not limit apparatus claims. MPEP 2115.

Rajala does not disclose that said powered mechanical glue application means is capable of moving or that these means further include at least one glue dispensing manifold with a plurality of spaced-apart glue dispensing nozzles positionable above the at least one layer of screening material to apply a glue pattern on the at least one layer of screening material.

However, Heindel discloses powered mechanical glue application means is capable of moving or that these means further include at least one glue dispensing manifold with a plurality of spaced-apart glue dispensing nozzles positionable above the at least one layer of screening material to apply a glue pattern on the at least one layer of screening material. Heindel discloses that moving application means avoid

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unbonded gaps in the glue lines, improving strength and integrity (see the discussion of the defects in the prior art, column 1, lines 17-28, and column 4, lines 2-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used moving applicators as in Heindel in order to improve bond strength and integrity in the final product.

As to claim 35, Rajala and Heindel are capable of applying to a screening material made from steel strands. The material or article worked upon does not limit apparatus claims. MPEP 2115.

As to claim 36 and 37, Rajala and Heindel are capable of applying the claimed glue pattern. The material or article worked upon does not limit apparatus claims. MPEP 2115.

As to claim 38, Rajala and Heindel are capable of applying glue to a screening material made of three layers. The material or article worked upon does not limit apparatus claims. MPEP 2115.

As to claim 40, Rajala discloses that means for moving the screen combination is dual opposed driven rollers between which the screen combination passes (rollers 102 and 110).

With respect to claims 41-43, official notice is taken that using dual opposed driven rollers comprising a first roller and a second roller, the first roller drive by a first drive motor, clutch apparatus interposed between the first roller and the first drive motor, control apparatus for controlling rate of rotation of both the first roller and the

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second roller and for controlling the clutch apparatus, sensor apparatus for sensing rate of rotation of the second roller, the sensor apparatus in communication with the control apparatus, the control apparatus also for maintaining rate of rotation of the first roller and of the second roller substantially the same, or including a control apparatus for controlling the machine or that each of the dual opposed driven rollers has its own dedicated drive motor is well known and conventional. One in the art would appreciate that such motor control systems ensure that the rollers drive the laminate into the nip. . Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used such motor control systems in order to ensure proper driving of the laminate.

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajala and Heindel as applied to claim 34 above, and further in view of Melius (US 6,706,945).

As to claim 39, Rajala does not disclose means for sewing together with sewing material the at least two layers of screening material.

However, the use of sewing is well known and conventional as an alternative or addition to adhesive bonding. Melius, for example, discloses that sewing is a suitable connection means for attaching various layered webs, and is equivalent to various bonding techniques (see column 19, lines 41-59). One in the art would appreciate that means for sewing together with sewing material the at least two layers of screening material would ensure proper connection of the layers. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to have used such sewing means in order to facilitate attachment of the webs.

5. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajala and Heindel as applied to claim 34 above, and further in view of Sabee (US Patent 4,968,313).

The references applied to claim 29 above do not disclose that at least one of the dual opposed driven rollers is substantially covered with material for inhibiting glue from sticking to said roller.

However, the use of various non-stick materials in laminating operations is notoriously well known and conventional. Sabee discloses an apparatus similar to that of Rajala and Heindel, which is considered capable of manufacturing the claimed product. Sabee utilizes a non-stick coating of Teflon to the nip rolls. The motivation is clearly apparent to one of ordinary skill in the art. A non-stick coating would prevent the adhesive material from sticking the web or other substances to the rollers and disrupting the operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used non-stick materials in order to prevent disruptions in the manufacturing process.

Response to Arguments

6. Applicant's arguments filed 10/3/2006 have been fully considered but they are not persuasive.

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7. In response to applicant's argument that the prior art of record does not disclose a machine for making a screen combination for a shale shaker, or that the machine that uses the product made by the claimed operates in a certain claimed manner, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

8. Additionally, the material or article worked upon does not limit apparatus claims. MPEP 2115. In this case, applicant claims a number of glue patterns and features of screening material. The screening material is the material worked upon, and does not limit apparatus claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

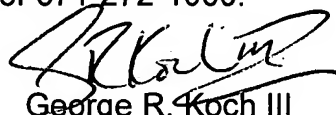
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can also be reached by E-mail at george.koch@uspto.gov <<mailto:george.koch@uspto.gov>> in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George R. Koch III
Primary Examiner
Art Unit 1734

GRK
8/1/06